

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TONY BLACKMAN,

Plaintiff,

vs.

APPEAL COORDINATOR,

Defendants.

CIV F 05-0188 OWW DLB P

ORDER GRANTING APPLICATION TO
PROCEED IN FORMA PAUPERIS

(DOCUMENT #7)

On February 1, 2005, plaintiff a state prisoner proceeding pro se filed his complaint in the Northern District of California, and his case was transferred and received in the above court on February 10, 2005. Plaintiff seeks relief pursuant to 42 U.S.C. § 1983 and has requested leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. This proceeding was referred to this court by Local Rule 72-302 pursuant to 28 U.S.C. § 636(b)(1).

Plaintiff has submitted a declaration that makes the showing required by § 1915(a). Accordingly, the request to proceed in forma pauperis will be granted. 28 U.S.C. § 1915(a).

Pursuant to 28 U.S.C. § 1915(b)(1), enacted April 26, 1996, plaintiff is required to pay the statutory filing fee of \$150.00 for this action.¹ Plaintiff has been without funds for six months and is currently without funds. Accordingly, the court will not assess an initial partial filing fee. 28 U.S.C.

¹ Effective February 7, 2005, the statutory filing fee for all civil actions except applications for writs of habeas corpus is \$250.00. See 28 U.S.C. § 1914(a).

1 § 1915(b)(1). Plaintiff is obligated to make monthly payments of 20 percent of the preceding month's
2 income credited to plaintiff's prison trust account. These payments shall be collected and forwarded by
3 the appropriate agency to the Clerk of the Court each time the amount in plaintiff's account exceeds
4 \$10.00, until the filing fee is paid in full. 28 U.S.C. § 1915(b)(2).

5 In accordance with the above, IT IS HEREBY ORDERED that:

6 1. Plaintiff's request for leave to proceed in forma pauperis is granted.

7 2. Plaintiff is obligated to pay the statutory filing fee of \$150.00 for this action. The fee
8 shall be collected and paid in accordance with this court's order to the Director of the California
9 Department of Corrections filed concurrently herewith.

10
11 IT IS SO ORDERED.

12 **Dated: April 27, 2005**
13 3c0hj8

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE